

REMARKS

Applicants respectfully traverse the rejections of the claims 1 through 7 and 16. Because claims 8 through 15 are cancelled, their rejections are mooted.

Claims 1 – 7 and 16 stand rejected as being indefinite for using the term “including.” Applicants respectfully submit that no authority exists for characterizing the term “including” as being indefinite. The citation to MPEP 2173.05(d) merely proscribes the use of exemplary language: “such as” and “for example” are listed as instances of such exemplary language. However, “including” is not exemplary at all, it is mandatory. It is no different than the overwhelmingly common transitional claim term “comprising.” For example, suppose one claims: “A widget, comprising: a, b, and c.” That same claim may be restated without any scope difference as: “A widget, including: a, b, and c.” Indeed, if “including” is indefinite, there are about 7 million U.S. patents that have indefinite claim scope. Accordingly, applicants respectfully submit these indefinite rejections are improper.

With respect to the prior art rejections, Applicants note that the claimed method and systems are media based – for example, claim 1 recites the limitations of “installing an identifier on the media disk, the identifier including a code associated with the vendor.” In sharp contrast, prior art systems tend to be host based in that the digital rights management does not involve media disk identifiers. The Christiano reference (USP 5,671,412) is plainly a host based reference. Thus, Christiano does not teach or suggest the use of media-based identifiers. In particular, Col. 4, lines 35-57 merely describes the client computer system requesting a license, a classic host-based scheme. There is no mention of the use of any media-based identifiers in that section. Similarly, Figure 2a and Col. 8, lines 5-56 again refer to the client computer system with no mention or suggestion of media-based identifiers. The same holds for Figure 12 and its accompanying description. Accordingly, claim 1 and its dependent claims 2 through 3 are patentable over Christiano.

Claim 4 is also patentable for analogous reasons in that it recites the limitation of “the software installation component operable to install an identifier on the media disk” to indicate its media-based nature. Accordingly, claims 4 and its dependents 5 through 7 are patentable over the Christiano reference.

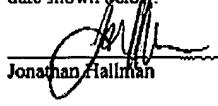
Finally, claim 16 also includes the limitation of “install an identifier on the signal bearing media” and is thus also patentable over the Christiano reference.

CONCLUSION

For the above reasons, pending Claims 1-7 and 16 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certification of Facsimile Transmission

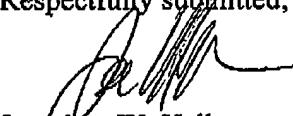
I hereby certify that this paper is being facsimile transmitted to (703) 872-9306 at the U.S. Patent and Trademark Office on the date shown below.



Jonathan W. Hallman

April 4, 2005

Respectfully submitted,



Jonathan W. Hallman
Attorney for Applicant(s)
Reg. No. 42,644